

# HellerEhrman

ATTORNEYS

March 21, 2002



Larry Phillips  
BigMachines.com, Inc.  
558 Pilgrim Drive  
Foster City, CA 94404

David A. Hall  
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37232-6067

**Re: U.S. Patent Application entitled "DYNAMICALLY BRANDED WEB SITES"**

**Inventors: V. Alston et al.**

**Application No.: 10/057,513 - Filed: January 25, 2002**

**Our Ref. No.: 37232-6067**

Dear Larry:

In accordance with your instructions, we filed the above-captioned utility application (copy enclosed) with the U.S. Patent and Trademark Office on **January 25, 2002**. It has been assigned application serial number 10/057,513. This application claims the benefit of priority to U.S. Provisional Application Serial No. 60/264,510 filed January 25, 2001. Please forward a copy of the enclosed application to the inventors for review. As you may recall, this application is based substantially on the '510 provisional application. If you have any questions or if any substantive errors are found, please let us know. Please also review the application to identify any obvious and typographical errors.

Also enclosed is a "Notice to File Missing Parts" we received from the U.S. Patent and Trademark Office dated February 27, 2002. You may recall that we filed the utility patent application without first getting inventor signatures on the filing papers. The Notice is the request from the Patent Office for us to now supply those signatures. We have two (2) months from the date of this notice, until **April 27, 2002** in which to file all missing parts and not incur any fee penalties.

We have enclosed filing papers for execution by the inventors. The forms include a combined Declaration/Power of Attorney form, and an Assignment form. Please have the inventors sign these forms as soon as possible for filing in the U.S. Patent and Trademark Office. We need these forms returned to us as soon as possible in order to meet the deadline of April 27, 2002 for the filing of Missing Parts.

You may recall that all persons associated with a U.S. patent application have a "duty of disclosure" relating to prior art that affects the application. In order to comply with the duty of disclosure and 37 C.F.R. § 1.56, an Information Disclosure Statement

with copies of the cited references should be filed with the U.S. Patent and Trademark Office by April 25, 2002. 37 C.F.R. § 1.56 states:

Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to the patentability as defined in the section.

This duty pertains to anyone who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

Information is material if it alone or in combination with other information could establish a case of unpatentability of a claim; or it refutes, or is inconsistent with, a position the applicant has taken in opposing an argument of unpatentability or in asserting an argument of patentability. Such information includes publications, prior public disclosures, any offers for sale, sales or uses, experimental data, particularly data that would impact negatively on the patentability of any claim, and any other such information or material.

Failure to make a full disclosure may seriously jeopardize the ability to enforce any patent that might issue, and willful failure to provide pertinent information may be grounds for invalidating any subsequently issued patent and can result in an action for damages against the patent owner if an attempt is made to enforce the invalid patent.

If you, or the inventors, or anyone associated with the prosecution of this application, is aware of any information (in addition to the patents and articles cited in the application), please bring such information to our attention so that we can evaluate it and, if necessary, make it of record in this application. This duty is a continuing one, and the Information Disclosure Statement submitted shortly after the application is filed should be supplemented when information material to examination of the application is discovered at any time while the application remains pending.

We will continue to keep you apprised of the progress of this application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



David A. Hall

Enclosure

**DECLARATION FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DYNAMICALLY BRANDED WEB SITES**

the specification of which

- ☐ is attached hereto.
- ☒ was filed by an authorized person on my behalf on January 25, 2002 as Application Serial No. 10/057,513.
- ☐ and as amended [if applicable].

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed (Yes or No)</u>
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N/A

I hereby claim benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
60/264,510	January 25, 2001

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

<u>PCT Application No.</u>	<u>Filing Date</u>
N/A	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to David A. Hall, HELLER EHRMAN WHITE AND McAULIFFE LLP, 4350 La Jolla Village Drive, 7th Floor, San Diego, California 92122-1246; (858) 450-8400:

<u>Attorney</u>	<u>Reg. No.</u>
David A. Hall	32,233
Stephanie Seidman	33,779
Paula Schoeneck	39,362
Dale L. Rieger	43,045
Fred C. Hernandez	41,832
William B. Anderson	41,585
Robert T. Ramos	37,915
Alan C. Gordon	51,220

and other members of the firm.

Address for correspondence: David A. Hall  
HELLER EHRMAN WHITE AND McAULIFFE LLP  
4350 Executive Square, 7th Floor  
San Diego, California 92122-1246

Full name of first inventor: Victor Alston

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

San Mateo, California  
2751 South Norfolk Street, #212  
San Mateo, California 94403  
USA

Full name of second inventor: Eric Lo

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: San Mateo, California

Post Office Address: 35 W. 20th Avenue, #207

San Mateo, California 94403

Citizenship: USA

Full name of third inventor: David Chow

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: San Mateo, California

Post Office Address: 2721 South Norfolk Street, #313

San Mateo, California 94403

Citizenship: USA

184013 v01.SD (3XZH01!.DOC) (37232.6067)

A S S I G N M E N T

I, VICTOR ALSTON, a citizen of the United States of America, residing at 2751 South Norfolk Street, #212, San Mateo, California 94403, U.S.A., for good and valuable consideration, have assigned and do hereby assign to BIGMACHINES.COM, INC., a corporation organized under the laws of California, having a principal business address of 558 Pilgrim Drive, Foster City, California 94404, U.S.A., its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter disclosed in the application for Letters Patent of the United States Application No. 10/057,513 entitled:

DYNAMICALLY BRANDED WEB SITES

which was filed on January 25, 2002, and in and to all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter, including the right to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise and, in and to, all Letters Patent to be obtained for said subject matter by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(b) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent.

Atty Docket No. 37232-6067

DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

WITNESS my hand and official seal.

-2 of 2-

A S S I G N M E N T

I, ERIC LO, a citizen of the United States of America, residing at 35 W. 20th Avenue, #207, San Mateo, California 94403, U.S.A., for good and valuable consideration, have assigned and do hereby assign to BIGMACHINES.COM, INC., a corporation organized under the laws of California, having a principal business address of 558 Pilgrim Drive, Foster City, California 94404, U.S.A., its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter disclosed in the application for Letters Patent of the United States Application No. 10/057,513 entitled:

DYNAMICALLY BRANDED WEB SITES

which was filed on January 25, 2002, and in and to all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter, including the right to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise and, in and to, all Letters Patent to be obtained for said subject matter by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(b) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent.



Atty Docket No. 37232-6067

DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

WITNESS my hand and official seal.

-2 of 2-

A S S I G N M E N T

I, DAVID CHOW, a citizen of the United States of America, residing at 2721 South Norfolk Street, #313, San Mateo, California 94403, U.S.A., for good and valuable consideration, have assigned and do hereby assign to BIGMACHINES.COM, INC., a corporation organized under the laws of California, having a principal business address of 558 Pilgrim Drive, Foster City, California 94404, U.S.A., its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter disclosed in the application for Letters Patent of the United States Application No. 10/057,513 entitled:

**DYNAMICALLY BRANDED WEB SITES**

which was filed on January 25, 2002, and in and to all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter, including the right to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise and, in and to, all Letters Patent to be obtained for said subject matter by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(b) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent.

ASSIGNMENT  
V. ALSTON et al.

Atty Docket No. 37232-6067

I agree to do all acts and sign all documents necessary to secure, defend and maintain all said Letters Patent and rights, including any continuations, divisionals, reissues, renewals and extensions, and request issuance of all said Letters Patent to the above Assignee in accordance with this assignment.

DATE: \_\_\_\_\_

\_\_\_\_\_  
DAVID CHOW

STATE OF \_\_\_\_\_ )

) SS.

COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, the undersigned, a notary public for the State of Washington, personally appeared DAVID CHOW, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public